

COPY

HEST TECHNOLOGIES, INC.,
SKYWARD BOUND RANCH,

Plaintiffs,

v.

ROBERT DALE BETHEL, YOLANDA
PARGA and CASTROVILLE NEWS
BULLETIN,

Defendants.

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IN THE DISTRICT COURT

67th JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

**ORDER GRANTING DEFENDANT
CASTROVILLE NEWS BULLETIN'S MOTION TO DISMISS**

On April 4, 2012 came on to be heard the Motion to Dismiss filed by Defendant Castroville News Bulletin ("News Bulletin"). The Court initially considered News Bulletin's Objection to Plaintiffs' Supplemental Testimony to Prove Hest Software Was Not At "With Time," ("Supplemental Testimony"), and said Objection is:

DX **SUSTAINED**, and said Supplemental Testimony is not to be considered in connection with News Bulletin's Motion to Dismiss.

_____ **OVERRULED**, and the Supplemental Testimony shall be considered along with the other items in the record.

The Court, having reviewed the Motion to Dismiss, the Affidavits submitted in support of the Motion, the Plaintiffs' response, and heard the argument of counsel, finds that the Motion is well taken and should be granted.

IT IS THEREFORE ORDERED that Plaintiffs' claims against Defendant Castroville News Bulletin be, and they are hereby, DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Castroville News Bulletin shall have and recover from Plaintiffs, jointly and severally, its reasonable and necessary attorneys fees in the amount of \$ 7,500.00 (\$7,500.00) DN, said sum to bear post-judgment interest at the maximum rate allowed by law, from the date of this Order until paid in full.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event of an appeal by Plaintiffs to the Court of Appeals, if the appeal is unsuccessful, Defendant Castroville News Bulletin will further be entitled to recover from Plaintiffs an additional \$ 10,000.00 as reasonable and necessary attorneys fees; in the event of an appeal by Plaintiffs to the Texas Supreme Court, if the appeal is unsuccessful, Defendant Castroville News Bulletin will further be entitled to recover from Plaintiffs an additional \$ 10,000.00 as reasonable and necessary attorneys fees.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no conditional sums awarded herein shall bear post-judgment interest.

SIGNED on April 17, 2012.


JUDGE PRESIDING